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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/787,205	WECHSEL, HILMAR
	Examiner	Art Unit
	THUY-VI NGUYEN	3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6; 9-36; 40-47* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6; 9-36; 40-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to applicant's communication on 12/18/2009 wherein:

Claims 1-6, 9-36, 40-47 are currently pending.

Claims 1, 9, 13, 20, 21, 24, 31, 32, 40, 41, 45-46 have been amended;

Claims 7-8, 37-39 have been cancelled.

1. (Currently Amended) A computer-implemented method for managing a return of a product, the method comprising the steps, performed by a computer, of:

1) receiving a return request for the product, wherein the return request is for a quantity of the product greater than one;

2) determining whether the return request is authorized;

3) issuing, from a first computer-implemented management system of a supplier, a return authorization number (RAN) for the return request when the return request is determined to be authorized;

4) creating a record in a second computer-implemented management system of the supplier for the return request, the record comprising the RAN;

5) performing a comparison of a quantity of product included in the second record with a received quantity of product;

6) splitting the record in the second computer-implemented management system into a plurality of new records with containing the RAN, based on the comparison when

7) updating the record in the second computer-implemented management system after the product has been returned.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 1, 9, 13, 20, 21, 24, 31, 40, 41 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

    Applicant has added limitations to this claims related to "*performing a comparison of a quantity of product included in the second record with a received quantity of product"* (step 5); *and splitting the record in the second computer implemented management system into a plurality of new records containing the RAN, based on the comparison* (step 6). Examiner has reviewed applicant's disclosure and submits that this added limitation finds no support in the specification as currently written and is, therefore, directed to new matter. Applicant's specification appears to teach on pars. 0062 (application publication), "*the RAN may be used to track product returns at the warehouse level when the full quantity to be returned from the customer is not returned at the same time. For example.......been received"* which do not provide adequate support for the claim language of 1, 9, 13, 20, 21, 24, 31, 40, 41 as currently amended. The discloser on par. 0062 indicated the splitting record into another new record, but doesn't show the performing a comparison (by a computer) a quantity of

product included in the second record with a received quantity of product". Even

though, the features discloses on par. 0062 may be inherently discloses a comparing

the quantity of product in the record with a received quantity of product. However, this

comparison can be performed by just looking at the purchased quantity of product in the

record and the actual quantity of returned product from the customer to determine the

difference without using any machine. Therefore, Applicant's specification provides no

teaching or disclosure of "performing a comparison......", and "splitting the

record.....based on the comparison" as stated above.

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 1, 9, 13, 20, 21, 24, 31, 32, 40, 41 are rejected under 35 U.S.C. 112,

second paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

1) Independent claim 1 recites in step (5) *"performing a comparison of a quantity*

of product included in the second record with a received quantity of product" is vague

and indefinite because the phrase *"a received quantity of product"* is not a positively

step which indicates the receiving process, the claim language in steps (1-4) only

introduce receiving a return request for a product from a customer, and creating a

record (return authorization number) for a return request, the actual step of receiving the

quantity of return product from a customer has not occurred or happened yet.

Therefore, it is unclear of how a quantity of product (in the record) can be compared with a received quantity of product?

2)Independent claims 9, 13, 20, 21, 24, 31, 32, 40, 41 are rejected for the same reason sets forth independent claim 1 above.

3) Independent claim 1 recites in step (d) "*creating <u>a record in a second computer</u>......*"; step (e) "*performing a comparison of a quantity of product included in <u>the second record</u> with a received quantity of product*" and step (f) recites "*splitting the record in the second computer .....<u>based on the comparison</u>*" is vague and indefinite because it is not clear all of the "record" in these steps are the same "record" or different. It appears "a record in a second computer" of steps (e) and (f) are the same type of "record", however step (f) calls for "splitting the record based on the comparison from step (e), which recites a comparison of a quantity of product in <u>the second record</u> with a received quantity of product. It is noted that "<u>the second record</u>" is considered as insufficient antecedent and basis in the limitation of step (e).

4) In dependent claim 1, recites a phrase "a quantity of product" in step (e), is this preferred back to "a quantity of product" in step (a), or this is another "quantity of product"?

5) Independent claims 9, 13, 20, 21, 24, 31, 32, 40, 41 are rejected for the same reason sets forth independent claim 1 in (4)

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating
>   obviousness or nonobviousness.

8.   Claims **1-6, 9-36, 40-47** are rejected under 35 U.S.C. 103(a) as being

unpatentable over HAUSER ET AL (US 6,536,659) in view of BLOOM (US

2002/0178074).

        As for independent claim 1, HAUSER ET AL discloses a computer

implemented method for managing a return of a product, the method comprising:

        1) receiving a return request for the product

        {see at least figures 1, 4-6, col. 3, lines 45-48, col. 8, lines 10-22 discloses the

merchant (14) or merchant web site 212 receive a request from customer for returning

merchandise},

wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer}

2) determining whether the return request is authorized;

{see at least figures. 1, 4-6, col. 3, lines 56-63, col. 4, lines 1-15, col. 8, lines 23-44, and lines 59-67, col. 9, lines 1-3, discloses the merchant (14) or return authorization engine 216 of merchant determine *the authorization for the return of the merchandise*};

3) issuing (providing/sending), from a first computer implement system of a supplier, a return authorization information including authorization number (RAN) or bar code for the return request when the return request is determined to be authorized;

{see at least figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 disclose a authorization bar code/RAN is *provided*/issued *to customer from a merchant 202/*a first management system; and col. 8, lines 30-60 merchant (14) or return authorization engine (213) as a first system that *send or provide* or *distribute the authorization bar code/or RAN to the customer*}

4) creating a record in a second computer implemented system for the return request, the record comprising the RAN; and

{see at least figures 1- 2, col. 2, lines 27-31 disclose information/data about the product return include the return label is entered into the central database of Central return facility to indicate that the merchandise as been received; col.6, lines 18-49 discloses National Return Center or Central return facility 100 as a second computer management system wherein the record or information/data e.g. a return authorization

label including an authorization bar code/RAN is stored in the database on computer

56};

7) updating the record (entering new data about the return product) in the second

computer implemented management system after the product has been

returned/received.

{see figure 2, col. 2, lines 27-37; col. 5, lines 5-19 disclose information/data about

the product return is entered into the central database of Central return facility to

indicate that the merchandise has been received; and if the return product that was

received match the expected merchandise, an electronic transmission/message is sent

to merchant 14 indicating a complete return of the merchandise occurred}

Note, as for the term "first computer implemented management system" and

"second computer implement management system", this is inherently included in the

"merchant customer product return system" and "central return facility network system"

{see Figs. 1-2}. Furthermore, the claim limitation doesn't exclude a first computer

implemented management system and a second computer implemented management

system from being different system. While the claim recites that these systems are the

systems of the supplier, the ownership of the system <u>doesn't appear</u> to make a

manipulative different in a method step of <u>"creating</u> a record'. Therefore, Hauser

discloses "creating a record in the Central return facility comprising a database" which

corresponds to the claimed limitation "creating a record in a second computer system of

the supplier".

Also as indicated above, the limitation "updating a record" in the last step, this is inherently included in the features "*product return is entered into the central database to indicate that the merchandise has been received,* and *send the message to the merchant indicating a complete return of the merchandise occurred* {see figure 2, col. 2, lines 27-31; col. 5, lines 5-19}.

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER ET AL further discloses the quantity or number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention the feature of "performing a comparison of a quantity of product in the record with a received quantity of product"; "splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product based on the comparison" (steps 5 and 6).

BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail record 1202 to partially fill an order, where a select order an Order Detail record 1202 has a SKU/identifier number quantity greater than what can be filled. The program (312) creates a new Order Detail Record 1202 and <u>splitting</u> the Order Detail Quantity across the new record 1202 and the existing record 1202. The program (312) creates a new Order Detail record 1202 by copying all the values of the existing record 1202, except for quantity. Quantity of the existing record can be reduced by the quantity of the new record when record <u>is split</u> {see BLOOM, pars. 0099, 0187, figures 9A-9B} and BLOOM

also discloses a comparison between the quantity of product in the record, with the actual physical quantity received product. For example, *if the quantity of physical product is less than the quantity of product* in the data records, the new record can be created to split the quantity on the existing record, the new record having an adjusted quantity <u>to match</u> the actual physical quantity that was in received package/product {see BLOOM par, 0187, lines 48-79}.

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the created record of HAUSER ET AL by splitting the record order into different record as taught by BLOOM so that the adjusted quantity product in a new record <u>would match</u> with the actual physical quantity of product that was received/or received quantity of product and also would be easy to keep track of what item/product have been received {see Bloom, par. 0187, lines 43-79}.

As for dep. claim 2, which deals with the first management system is a customer relationship management system (CRM), this is taught in HAUSER ET AL, see at least figures 1, 4-6B disclose a merchant (14), merchant (202), or merchant website (212), and merchant call center 214 where the customer can directly contact.

As for dep. claim 3, which deals with the second management system comprises a ware house management (WM) system, this is taught in HAUSER ET AL, figures 2-3 "return central facility".

As for dep. claim 4, which deals with the information/data/or record about the delivery request, this is taught in HAUSER ET AL, col. 2, lines 27-38. Note: "the record/information or data of a delivery request" have been determined to be non-

functional descriptive material (NFDM), thus having no patentable weight and does not

need to be taught by the prior art. Nonfunctional descriptive material can not render

nonobvious an invention that would have other wise been obvious. In re Gulack,703 F.

2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not

functionally related to the substrate, the descriptive material will not distinguish the

invention from the prior art in terms of patentability. See MPEP 2106.01.

As for dep. clam 5, which deals with the communicating information between

the two parties, e.g. first and second management system utilizing the RAN, this is

taught in HAUSER ET AL, col. 2, line 5-23, 21-57,figure 1-2.

As for dep. claim 6, which deals with providing a shipping label in response to

approving the return request, the shipping label comprising the RAN, this is taught in

HAUSER ET AL, figures 1-2, col. 4, lines 15-22.

As for independent claim 9, HAUSER ET AL disclose

1) authorizing a request from a customer to return a product;

{see at least figures. 1, 4-6, col. 3, lines 56-63, col. 4, lines 1-15, col. 8, lines 23-

44, and lines 59-67, col. 9, lines 1-3, discloses the merchant (14) or return authorization

engine 216 of merchant determine *the authorization for the return of the merchandise*}

wherein the return request is for a quantity of the product great than one {see col.

4, lines 9-15, discloses a description of the merchandise that identifies items/quantity

that should be included for the return request from customer};

2) creating at least one record in each of a plurality of computer implemented

management systems when the request for the product return is authorized;

{see figure at least figures 1-2, 5 and 6B, col. 4, lines 2-22, col. 5, lines 5-15, col.

6, lines 36-49; disclose the merchant and rental return facility have the

record/information about the product return, e.g. the merchant system identify the

customer information includes a description of the merchandise when the product is

authorized for returning and then transmit this information/record to the rental facility

center, when the return product is received at the rental facility, the product contain a

return authorization label is scanned and then are stored in the database of the rental

facility ; and figure 6B disclose the Return Authorization data 218 is transmitted from the

return authorization engine (216) of merchant system to the national return center}

3) assigning a unique identifier to the product return;

{see figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 disclose a authorization

bar code/RAN is *provided*/sent *to customer* for returning product }

4) associating the unique identifier with each record corresponding the product to

be returned/received;

{see figures 1-2, 5-6B, col. 4, lines 16-56, col. 5, lines 5-20, col. 6, lines 18-49

disclose the transmitting the authorization bar code/unique identifier about the return

product from the merchant system to the return facility system, the facility issues the

return label including the bar code/unique identifier to customer, when the

merchandise/product is returned at the facility, the bar code will be scanned to identify

the merchant and merchandise being returned}

7) Exchanging/transmitting information regarding the product return between the

plurality of computer management systems utilizing the unique identifier;

{see at least figures1, 5-6B, col. 2, lines 9-25, lines 49-59; col. 5, lines 5-19 col. 8, lines 29-54 disclose the transmitting of the RA data (218) about the product return from the merchant system (return authorization engine) to the national return center system. This indicates that the unique identifier is stored in both systems (merchant and central return facility). The facility issues the return label including the bar code/unique identifier to customer, when the merchandise/product is returned at the facility, the bar code will be scanned to identify the merchant and merchandise being returned. If the return product that was received/returned match the expected merchandise, an electronic transmission/message is sent to merchant 14 indicating a complete return of the merchandise occurred}.

Note, as for the term "management" in the "computer implement systems" this is inherently included in the "merchant customer product return system" and "central return facility network system" {see Figs. 1-2}.

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER ET AL further discloses the quantity or number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention the feature of "performing a comparison of a quantity of product in the record with a received quantity of product"; "splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product based on the comparison" (steps 5 and 6).

BLOOM discloses the well known feature of the splitting record of order in to

different records or files in order to make adjustments for an Order Detail record 1202 to

partially fill an order, where a select order an Order Detail record 1202 has a

SKU/identifier number quantity greater than what can be filled. The program (312)

creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across

the new record 1202 and the existing record 1202. The program (312) creates a new

Order Detail record 1202 by copying all the values of the existing record 1202, except

for quantity.   Quantity of the existing record can be reduced by the quantity of the new

record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B} and BLOOM

also discloses a comparison between the quantity of product in the record, with the

actual physical quantity received product. For example, *if the quantity of physical*

product is less than the quantity of product in the data records, the new record can be

created to split the quantity on the existing record, the new record having an adjusted

quantity to match the actual physical quantity that was in received package/product {see

BLOOM par, 0187, lines 48-79}.

Therefore, It would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the created record of HAUSER ET AL by splitting the

record order into different record as taught by BLOOM so that the adjusted quantity

product in a new record would match with the actual physical quantity of product that

was received/or received quantity of product and also would be easy to keep track of

what item/product have been received {see Bloom, par. 0187, lines 43-79}.

As for claim 10, which deals with the plurality of management systems

comprises at least one of a customer relationship management (CRM) system, a

warehouse management (WM) system, this is fairly taught in HAUSER ET AL, see

figures 1-2 (merchant system and central return facility system)

As for claim 11, which deals with the plurality of management systems

comprises the warehouse management (WM) system, this is fairly taught in HAUSER

ET AL, see figures 1-2 (central return facility)

As for claim 12, which deals with plurality of management systems comprises a

logistics, execution and shipping (LES) management system; this is fairly taught in

HAUSER ET AL {see figures 1-3}

As for independent claim 13, HAUSER ET AL discloses a method for

managing a product return, the method comprising:

1) assigning at least one return authorization number (RAN) to the product

return;

{see figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 disclose a authorization

bar code/RAN is *provided*/sent *to customer* for returning product }

wherein the return request is for a quantity of the product great than one {see col.

4, lines 9-15, discloses a description of the merchandise that identifies items/quantity

that should be included for the return request from customer};

2) creating, in a first database of a supplier, a return authorization record for the

product return, the return authorization record comprising the RAN

{see at least figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 col. 8, lines 30-60

merchant website or return authorization engine (213) system provide the Return

authorization data *include the authorization bar code/or RAN to the customer*}

3) creating, in a second database, a warehouse record for the product return,

ware house record comprising the RAN

{see at least figures 1- 2, col. 2, lines 27-31 disclose information/data about the

product return include the return label is entered into the central database of Central

return facility to indicate that the merchandise as been received; col.6, lines 18-49

discloses National Return Center or Central return facility 100 as a second

management system wherein the record or information/data e.g. a return authorization

label including an authorization bar code/RAN is stored in the database on computer

56}

6) updating the return authorization and the warehouse record to include

information associated with the RAN

{see figure 2, col. 2, lines 27-31; col. 5, lines 5-19 disclose information/data about

the product return is entered into the central database of Central return facility to

indicate that the merchandise has been received; and if the return product that was

received match the expected merchandise, an electronic transmission/message is sent

to merchant 14 indicating a complete return of the merchandise occurred}

Note: As for the limitation of" updating a record" in the last step, this is inherently

included in the features "*product return is entered into the central database to indicate*

that the merchandise has been received, and *send the message to the merchant*

indicating a complete return of the merchandise occurred {see figure 2, col. 2, lines 27-31; col. 5, lines 5-19}.

Note as indicated above, the first database in the second step is inherently included in the figure 5-6B "merchant website and return authorization engine" network system.

Furthermore, the claim limitation doesn't exclude a first database and a second database from being different system. While the claim recites that these databases are from the supplier, the ownership of the system/database <u>doesn't appear</u> to make a manipulative different in a method step of <u>"creating</u> a record in a database'. Therefore, Hauser discloses "creating a record in the Central return facility comprising a database" which corresponds to the claimed limitation "creating a record in a second computer system of the supplier".

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER ET AL further discloses the quantity or number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention the feature of "performing a comparison of a quantity of product in the record with a received quantity of product"; "splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product based on the comparison" (steps 4 and 5).

BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail record 1202 to

partially fill an order, where a select order an Order Detail record 1202 has a

SKU/identifier number quantity greater than what can be filled. The program (312)

creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across

the new record 1202 and the existing record 1202. The program (312) creates a new

Order Detail record 1202 by copying all the values of the existing record 1202, except

for quantity. Quantity of the existing record can be reduced by the quantity of the new

record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B} and BLOOM

also discloses a comparison between the quantity of product in the record, with the

actual physical quantity received product. For example, *if the quantity of physical*

product is less than the quantity of product in the data records, the new record can be

created to split the quantity on the existing record, the new record having an adjusted

quantity to match the actual physical quantity that was in received package/product {see

BLOOM par, 0187, lines 48-79}.

Therefore, It would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the created record of HAUSER ET AL by splitting the

record order into different record as taught by BLOOM so that the adjusted quantity

product in a new record would match with the actual physical quantity of product that

was received/or received quantity of product and also would be easy to keep track of

what item/product have been received {see Bloom, par. 0187, lines 43-79}.

As for claim 14, which deals with the return authorization record comprises a

plurality of return authorization items, this is fairly taught in HAUSER ET AL {see figures

1-3}.

As for claim 15, which deals with the return authorization item comprises a unique RAN, this is fairly taught in HAUSER ET AL {see figures 1-3}.

As for claim 16, which deals with the warehouse record comprises a plurality of pending delivery items, each of the pending delivery items being created for at least one of the return authorization items, this is fairly taught in HAUSER ET AL {see figure 2-3}

As for claim 17, HAUSER ET AL discloses wherein the second database is a warehouse management (WM) system {see figure 1-2}.

As for claim 18, which deals with information regarding to the return authorization record, e.g. product type and a quantity, this is fairly taught in HAUSER ET AL , see figures 1-3. Furthermore: "the record/information or data of the return authorization" have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for claim 19, which deals with creating a shipping label based on the return authorization record and communicating the shipping label to a customer, this is fairly taught in HAUSER ET AL, {see figures 1-2, col. 4, lines 16-23}

As for claim 20, HAUSER ET AL discloses a computer implemented method for managing a product return, the method comprising:

1) indexing/creating a record in a first database of a supplier for a product return using at least one unique identifier

{see at least figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 col. 8, lines 30-60 merchant website or return authorization engine (213) provide the Return authorization data *include the authorization bar code/or RAN to the customer*}

wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer};

2) creating a record for the product return in a second database, the record in the second database comprising the unique identifier;

{see at least figures 1- 2, col. 2, lines 27-31 disclose information/data about the product return include the return label is entered into the central database of Central return facility to indicate that the merchandise as been received; col.6, lines 18-49 discloses National Return Center or Central return facility 100 as a second management system wherein the record or information/data e.g. a return authorization label including an authorization bar code/RAN is stored in the database on computer 56}; and

5) exchanging, between the first and second databases, information related to the product return, wherein each item of exchanged information is identified by the unique identifier

{see at least figures1, 5-6B, col. 2, lines 9-25, lines 49-59; col. 5, lines 5-19 col. 8, lines 29-54 disclose the transmitting of the RA data (218) about the product return

from the merchant system (return authorization engine) to the national return center

system.   This indicates that the unique identifier is stored in both systems (merchant

and central return facility). The facility issues the return label including the bar

code/unique identifier to customer, when the merchandise/product is returned at the

facility, the bar code will be scanned to identify the merchant and merchandise being

returned. If the return product that was received/returned match the expected

merchandise, an electronic transmission/message is sent to merchant 14 indicating a

complete return of the merchandise occurred}.

Note as indicated above, the first database in the second step is inherently

included in the figure 5-6B "merchant website and return authorization engine" network

system.

Furthermore, the claim limitation doesn't exclude a first database and a second

database from being different system.   While the claim recites that these databases are

from the supplier, the ownership of the system/database doesn't appear to make a

manipulative different in a method step of "creating a record in a database'. Therefore,

Hauser discloses "creating a record in the Central return facility comprising a database"

which corresponds to the claimed limitation "creating a record in a second computer

system of the supplier".

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER

ET AL further discloses the quantity or number of items to be returned from the

customer, and this information/record is stored in the database system {col. 4, lines 2-

23, col. 6, lines 18-49, col. 7, lines 19-37}.   However, HAUSER ET AL doesn't mention

the feature of "performing a comparison of a quantity of product in the record with a

received quantity of product"; "splitting/dividing the record into a plurality of new

records/files with the RAN/or identification number for the return product based on the

comparison" (steps 3 and 4).

BLOOM discloses the well known feature of the splitting record of order in to

different records or files in order to make adjustments for an Order Detail record 1202 to

partially fill an order, where a select order an Order Detail record 1202 has a

SKU/identifier number quantity greater than what can be filled. The program (312)

creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across

the new record 1202 and the existing record 1202. The program (312) creates a new

Order Detail record 1202 by copying all the values of the existing record 1202, except

for quantity.   Quantity of the existing record can be reduced by the quantity of the new

record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B} and BLOOM

also discloses a comparison between the quantity of product in the record, with the

actual physical quantity received product. For example, *if the quantity of physical*

product is less than the quantity of product in the data records, the new record can be

created to split the quantity on the existing record, the new record having an adjusted

quantity to match the actual physical quantity that was in received package/product {see

BLOOM par, 0187, lines 48-79}.

Therefore, It would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the created record of HAUSER ET AL by splitting the

record order into different record as taught by BLOOM so that the adjusted quantity

product in a new record <u>would match</u> with the actual physical quantity of product that

was received/or received quantity of product and also would be easy to keep track of

what item/product have been received {see Bloom, par. 0187, lines 43-79}.

As for independent claim 21, HAUSER ET AL disclose a computer readable

medium including a memory containing instructions for carrying out a method for

managing a product return, the method comprising:

1) creating a record in a customer relationship management (CRM) system of a

supplier for a product return using at least one return authorization number

{see at least figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 col. 8, lines 30-60

merchant website or return authorization engine (213) provide the Return authorization

data *include the authorization bar code/or RAN to the customer*}

wherein the return request is for a quantity of the product great than one {see col.

4, lines 9-15, discloses a description of the merchandise that identifies items/quantity

that should be included for the return request from customer};

2) creating a record for the product return in a warehouse management (WM)

system using the return authorization number

{see at least figures 1- 2, col. 2, lines 27-31 disclose information/data about the

product return include the return label is entered into the central database of Central

return facility to indicate that the merchandise as been received; col.6, lines 18-49

discloses National Return Center or Central return facility 100 as a second

management system wherein the record or information/data e.g. a return authorization

label including an authorization bar code/RAN is stored in the database on computer

56}; and

exchanging between the management systems information related to the

product return, wherein each item of exchanged information is identified by the return

authorization number

{see at least figures1, 5-6B, col. 2, lines 9-25, lines 49-59; col. 5, lines 5-19 col.

8, lines 29-54 disclose the transmitting of the RA data (218) about the product return

from the merchant system (return authorization engine) to the national return center

system. This indicates that the unique identifier is stored in both systems (merchant

and central return facility). The facility issues the return label including the bar

code/unique identifier to customer, when the merchandise/product is returned at the

facility, the bar code will be scanned to identify the merchant and merchandise being

returned. If the return product that was received/returned match the expected

merchandise, an electronic transmission/message is sent to merchant 14 indicating a

complete return of the merchandise occurred}.

Note, as for the term "management" in the "first management system" and

"second management system", this is inherently included in the "merchant customer

product return system" and "central return facility network system" {see Figs. 1-2}.

Furthermore, the claim limitation doesn't exclude customer relationship

management system and a warehouse management system from being different

system. While the claim recites that these systems are the systems of the supplier, the

ownership of the system doesn't appear to make a manipulative different in a method

step of "creating a record'. Therefore, Hauser discloses "creating a record in the

Central return facility comprising a database" which corresponds to the claimed

limitation "creating a record in a second computer system of the supplier".

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER

ET AL further discloses the quantity or number of items to be returned from the

customer, and this information/record is stored in the database system {col. 4, lines 2-

23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention

the feature of "performing a comparison of a quantity of product in the record with a

received quantity of product"; "splitting/dividing the record into a plurality of new

records/files with the RAN/or identification number for the return product based on the

comparison" (steps 3 and 4).

BLOOM discloses the well known feature of the splitting record of order in to

different records or files in order to make adjustments for an Order Detail record 1202 to

partially fill an order, where a select order an Order Detail record 1202 has a

SKU/identifier number quantity greater than what can be filled. The program (312)

creates a new Order Detail Record 1202 and <u>splitting</u> the Order Detail Quantity across

the new record 1202 and the existing record 1202. The program (312) creates a new

Order Detail record 1202 by copying all the values of the existing record 1202, except

for quantity. Quantity of the existing record can be reduced by the quantity of the new

record when record <u>is split</u> {see BLOOM, pars. 0099, 0187, figures 9A-9B} and BLOOM

also discloses a comparison between the quantity of product in the record, with the

actual physical quantity received product. For example, *if the quantity of physical*

product is less than the quantity of product in the data records, the new record can be

created to split the quantity on the existing record, the new record having an adjusted

quantity <u>to match</u> the actual physical quantity that was in received package/product {see

BLOOM par, 0187, lines 48-79}.

Therefore, It would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the created record of HAUSER ET AL by splitting the

record order into different record as taught by BLOOM so that the adjusted quantity

product in a new record <u>would match</u> with the actual physical quantity of product that

was received/or received quantity of product and also would be easy to keep track of

what item/product have been received {see Bloom, par. 0187, lines 43-79}.

As for claim 22, which deals the record in the CRM system is a return

authorization record, this is fairly taught in HAUSER ET AL see figure 5-6B

As for claim 23, which deals with the record in the WM system is a pending

delivery record, see figure 2-3.

Note as for dep. claim 22-23 "the record/information or data " have been

determined to be non-functional descriptive material (NFDM), thus having no patentable

weight and does not need to be taught by the prior art. Nonfunctional descriptive

material can not render nonobvious an invention that would have other wise been

obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983)

(when descriptive material is not functionally related to the substrate, the descriptive

material will not distinguish the invention from the prior art in terms of patentability. See

MPEP 2106.01.

As for independent claim 24 which is about a computer readable medium containing instructions for carrying a method of managing a return of a product. This claim has the same limitation as independent claim 13 above. Therefore it is rejected as the same independent claim 13 sets forth above.

As for claims 25-26, which deals with the return authorization record comprises a plurality of return authorization items and a return authorization number, this is fairly taught in HAUSER ET AL {see figure 1-3}.

As for claim 27, which deals with delivery item is created for each return authorization item , this is fairly taught in HAUSER ET AL {see figure 1-3}.

As for claim 28, which deals with the second database is a warehouse management database, this is fairly taught in HAUSER ET AL {see figure 1-3}

As for claim 29, which deals with the return authorization record further comprises a product type and a quantity, this is fairly taught in HAUSER ET AL {see figure 1-3}.

Note: As for dep. claims 25-29, "the record/information or data of the return authorization" have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for claim 30, which deals with creating a shipping label based on the return authorization record and communicating the shipping label to a customer, this is fairly taught in HAUSER ET AL {see figure 1-3}

As for independent claim 31 which is about a computer readable medium including a memory containing instructions for carrying a method of managing a return of a product. This claim has the same limitation as independent claim 9 above. Therefore it is rejected as the same independent claim 9 sets forth above.

As for independent claim 32, HAUSER ET AL discloses a system for managing a return of a product, the method comprising:

1) a first database configured to receive a return request for the product, and to generate a first record comprising a return authorization number (RAN) for the product if the return request is authorized

{see figure 5-6B; col. 8, lines 10-45, merchant website and return authorization engine for generating the authorization number/authorization bar code}

wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer};

2) a second database, in communication with the first database, configured to create a second record corresponding to the return, the second record comprising the RAN

{see figures 1-2, figure 5-6B, col. 4, lines 2-23, disclose the merchant system communication with the return facility database, e.g transmitting the return authorization data to the return facility; and

wherein the first and second database are each configured to exchange information regarding the return utilizing the RAN

{see at least figures1, 5-6B, col. 2, lines 9-25, lines 49-59; col. 5, lines 5-19 col. 8, lines 29-54 disclose the transmitting of the RA data (218) about the product return from the merchant system (return authorization engine) to the national return center system.   This indicates that the unique identifier is stored in both systems (merchant and central return facility). The facility issues the return label including the bar code/unique identifier to customer, when the merchandise/product is returned at the facility, the bar code will be scanned to identify the merchant and merchandise being returned. If the return product that was received/returned match the expected merchandise, an electronic transmission/message is sent to merchant 14 indicating a complete return of the merchandise occurred}.

Note as indicated above, the first database in the second step is inherently included in the figure 5-6B "merchant website and return authorization engine".

Furthermore, the claim limitation doesn't exclude a first database and a second database from being different system.   While the claim recites that these databases are from the supplier, the ownership of the system/database doesn't appear to make a manipulative different in a method step of "creating a record in a database'. Therefore, Hauser discloses "creating a record in the Central return facility comprising a database"

which corresponds to the claimed limitation "creating a record in a second computer

system of the supplier".

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER

ET AL further discloses the quantity or number of items to be returned from the

customer, and this information/record is stored in the database system {col. 4, lines 2-

23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention

the feature of "splitting/dividing the record into a plurality of new records/files with the

RAN/or identification number for the return product in response to receiving not all of a

quantity of product included in the second record" (step 3).

BLOOM discloses the well known feature of the splitting record of order in to

different records or files in order to make adjustments for an Order Detail record 1202 to

partially fill an order, where a select order an Order Detail record 1202 has a

SKU/identifier number quantity greater than what can be filled. The program (312)

creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across

the new record 1202 and the existing record 1202. The program (312) creates a new

Order Detail record 1202 by copying all the values of the existing record 1202, except

for quantity. Quantity of the existing record can be reduced by the quantity of the new

record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B} and BLOOM

also discloses a comparison between the quantity of product in the record, with the

actual physical quantity received product. For example, *if the quantity of physical*

product is less than the quantity of product in the data records, the new record can be

created to split the quantity on the existing record, the new record having an adjusted

quantity <u>to match</u> the actual physical quantity that was in received package/product {see

BLOOM par, 0187, lines 48-79}.

Therefore, It would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the created record of HAUSER ET AL by splitting the

record order into different record as taught by BLOOM so that the adjusted quantity

product in a new record <u>would match</u> with the actual physical quantity of product that

was received/or received quantity of product and also would be easy to keep track of

what item/product have been received {see Bloom, par. 0187, lines 43-79}.

As for dep. claims 33-35, basically this system claim have the same limitation

as the dep. claims 25-27 above, they are rejected for the same reason sets forth the

dep. claims 25-27 above.

As for claim 36, which deals with the pending delivery comprises a plurality of

pending delivery items each corresponding to a return authorization item, this is fairly

taught in HAUSER ET AL, figures 1-3. Note , "the record/information or data of a the

delivery items" have been determined to be non-functional descriptive material (NFDM),

thus having no patentable weight and does not need to be taught by the prior art.

Nonfunctional descriptive material can not render nonobvious an invention that would

have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-

4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate,

the descriptive material will not distinguish the invention from the prior art in terms of

patentability. See MPEP 2106.01.

As for independent claim 40, HAUSER ET AL discloses a system for managing a product return comprising:

1) a computer of a supplier configured to assign a return authorization number (RAN) to a product return

{see figures 1-2 5-6B; col. 4, lines 2-23, col. 8, lines 10-45, merchant website and return authorization engine for generating the authorization number/authorization bar code}

wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer}

2) a plurality of databases, each database configured to receive the RAN and to create at least one record corresponding to the product return, wherein each record corresponding to the return item is uniquely associated with the RAN

{see figures 1-2, 5-6B disclose the merchant website/ and central return facility databases.

{see at least figures1, 5-6B, col. 2, lines 9-25, lines 49-59; col. 5, lines 5-19 col. 8, lines 29-54 disclose the transmitting of the RA data (218) about the product return from the merchant system (return authorization engine) to the national return center system.   This indicates that the unique identifier is stored in both systems (merchant and central return facility). The facility issues the return label including the bar code/unique identifier to customer, when the merchandise/product is returned at the facility, the bar code will be scanned to identify the merchant and merchandise being

returned. If the return product that was received/returned match the expected

merchandise, an electronic transmission/message is sent to merchant 14 indicating a

complete return of the merchandise occurred}.

Note as indicated above, the first database and a first computer in the second

step is inherently included in the figure 5-6B "merchant website and return authorization

engine" network system.

Furthermore, the claim limitation doesn't exclude a first database and a second

database from being different system. While the claim recites that these databases are

from the supplier, the ownership of the system/database <u>doesn't appear</u> to make a

manipulative different in a method step of "<u>creating</u> a record in a database'. Therefore,

Hauser discloses "creating a record in the Central return facility comprising a database"

which corresponds to the claimed limitation "creating a record in a second computer

system of the supplier".

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER

ET AL further discloses the quantity or number of items to be returned from the

customer, and this information/record is stored in the database system {col. 4, lines 2-

23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention

the feature of "performing a comparison of a quantity of product in the record with a

received quantity of product"; "splitting/dividing the record into a plurality of new

records/files with the RAN/or identification number for the return product based on the

comparison".

BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail record 1202 to partially fill an order, where a select order an Order Detail record 1202 has a SKU/identifier number quantity greater than what can be filled. The program (312) creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across the new record 1202 and the existing record 1202. The program (312) creates a new Order Detail record 1202 by copying all the values of the existing record 1202, except for quantity. Quantity of the existing record can be reduced by the quantity of the new record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B} and BLOOM also discloses a comparison between the quantity of product in the record, with the actual physical quantity received product. For example, *if the quantity of physical product is less than the quantity of product* in the data records, the new record can be created to split the quantity on the existing record, the new record having an adjusted quantity to match the actual physical quantity that was in received package/product {see BLOOM par, 0187, lines 48-79}.

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the created record of HAUSER ET AL by splitting the record order into different record as taught by BLOOM so that the adjusted quantity product in a new record would match with the actual physical quantity of product that was received/or received quantity of product and also would be easy to keep track of what item/product have been received {see Bloom, par. 0187, lines 43-79}.

As for independent claim 41, HAUSER ET AL discloses a system for managing

a product return, the system comprising:

1) a first computer of a supplier comprising a user interface for receiving a return

request from a customer

{see figures 1-2, figures 5-6B, col. 1-23, col. 8, lines 11-54}}

wherein the return request is for a quantity of the product great than one {see col.

4, lines 9-15, discloses a description of the merchandise that identifies items/quantity

that should be included for the return request from customer};

2) second computer of the supplier, in communication with the first computer,

configured to receive the RAN, and to create, upon receipt of the return authorization, a

record in a database comprising the RAN

{see figures 1-2, col. 4, lines 1-23, col. 6, lines 18-49}

Note: that it appears that independent claim 41 is an apparatus claim. In

examination of the apparatus claim, the claims must be structurally distinguishable from

the prior art. While features of an apparatus claim may be recited either structurally or

functionally, claims directed to an apparatus must be distinguished from the prior art in

terms of structure rather than function. See MPEP 2114. *In re Schreiber, 128 F.3d*

1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover

what a device is, not what a device does. Hewlett-Packard Co. vs. Bausch & Lomb Inc.

(Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e.

recitation with respect to the manner in which a claimed apparatus is intended to be

employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Also, this is an apparatus claim and <u>intended use</u> limitation for the system/device or apparatus, i.e. "for receiving a return request...the RAN" carries <u>no</u> patentable weight.

Furthermore, the claim limitation doesn't exclude a first computer and a second computer from being different system. While the claim recites that these computer system are from the supplier, the ownership of the system/database <u>doesn't appear</u> to make a manipulative different in a method step of <u>"creating</u> a record in a database'. Therefore, Hauser discloses "creating a record in the Central return facility comprising a database" which corresponds to the claimed limitation "creating a record in a second computer system of the supplier".

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER ET AL further discloses the quantity or number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention the feature of "performing a comparison of a quantity of product in the record with a received quantity of product"; "splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product based on the comparison".

BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail record 1202 to

partially fill an order, where a select order an Order Detail record 1202 has a

SKU/identifier number quantity greater than what can be filled. The program (312)

creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across

the new record 1202 and the existing record 1202. The program (312) creates a new

Order Detail record 1202 by copying all the values of the existing record 1202, except

for quantity. Quantity of the existing record can be reduced by the quantity of the new

record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B} and BLOOM

also discloses a comparison between the quantity of product in the record, with the

actual physical quantity received product. For example, *if the quantity of physical*

product is less than the quantity of product in the data records, the new record can be

created to split the quantity on the existing record, the new record having an adjusted

quantity to match the actual physical quantity that was in received package/product {see

BLOOM par, 0187, lines 48-79}.

Therefore, It would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the created record of HAUSER ET AL by splitting the

record order into different record as taught by BLOOM so that the adjusted quantity

product in a new record would match with the actual physical quantity of product that

was received/or received quantity of product and also would be easy to keep track of

what item/product have been received {see Bloom, par. 0187, lines 43-79}.

As for claims 42-44, which deals with the communication between the customer

and manufacture for the product return using the website for transmitting the label. This

is taught in HAUSER ET AL, see figures 1-2, 5-6B

As for claim 45-47, which deals with the method of communication using the
EDI, (electronic data interchange), Basic Application Interface (BAPI) and R/3
information object. This is inherently included HAUSER ET AL {figures 1-3, 5-6B},
wherein the first and second computers communicate using an EDI. Moreover, using
these parameters for communicating between two systems are common, old and well
known in the art.

Response to Arguments

9.   Applicant's arguments filed on 12/18/09 have been fully considered but they are
not persuasive.

        1) As for an argument on page 13 of the remark, Applicant indicated that Hauser
fails to teach the [creating a record in a second computer implemented management
system of the supplier, the record comprise the RAN (return authorization number),
splitting the record in the second database into a plurality of new records containing the
unique identifier base on the comparison"]. Applicant also stated [the element "Central
return facility 100" of Hauser corresponds to the claimed "second computer
implemented management system is not correct because the "central return facility" has
been created by Returns Online, Inc. to efficiently service returned merchandise for a
plurality different merchants, the central return facility database is not a management
system belonging to any of the plurality of merchants or suppliers] is noted. However,
this is not persuasive because the claim limitation which doesn't exclude a first
computer implemented management system and a second computer implement
management system from being different system. Further, while the claim recites that

these systems are the systems of the supplier, the ownership of the system doesn't

appear to make a manipulative different in a method step of "creating a record".

Therefore, Hauser discloses "creating a record in the Central return facility comprising a

database" which corresponds to the claimed limitation "creating a record in a second

computer system. See Hauser, at least figures 1-2, col. 2, lines 27-31 discloses

information/data about the product return include the return label is entered into the

central database of Central return facility to indicate that the merchandise has been

received; and col. 6, lines 18-49 discloses National Return Center or Central return

facility 100 as a second computer management system wherein the record or

information/data e.g. a return authorization label including an authorization bar

code/RAN is stored in the database on computer 56.

2) As for an argument on pages 14 of the remark, Applicant indicated that Bloom

fails to cure the deficiencies of Hauser, Bloom fails to teach or suggest "creating a

record in a second computer implemented management system of the supplier for the

return request, the record comprising the RAN, and Bloom also fails to teach or suggest

"splitting the record in the second database into a plurality of new records containing the

unique identifier base on the comparison] is noted, however this is not persuasive.

Hauser discloses creating a record in a second computer implemented system include a

RAN as mention in response to argument in (1). As for the feature "splitting a record

into a plurality of record containing a unique identifier/RAN based on a comparison", this

is taught in Bloom. For example Bloom discloses the well known feature of the splitting

record of order in to different records or files in order to make adjustments for an Order

Detail record 1202 to partially fill an order, where a select order an Order Detail record

1202 has a SKU/identifier number quantity greater than what can be filled. The program

(312) creates a new Order Detail Record 1202 and splitting the Order Detail Quantity

across the new record 1202 and the existing record 1202. The program (312) creates a

new Order Detail record 1202 by copying all the values of the existing record 1202,

except for quantity.   Quantity of the existing record can be reduced by the quantity of

the new record when record is split {see BLOOM, pars. 0099, figures 9A-9B}; and par,

0187, lines 48-79 wherein Bloom discloses the record is splitting when the quantity of

the physical product/package is less than the quantity of product in the data records.

Therefore, the combination of Hauser/Bloom discloses "splitting the record in the

second database into a plurality of new records containing the unique identifier base on

the comparison".

    3) In response to applicant's argument on page 15 that there is no suggestion to

combine the references, the examiner recognizes that obviousness can only be

established by combining or modifying the teachings of the prior art to produce the

claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

Hauser discloses the returning product process wherein the record /information/data

about the product return include the unique identifier/return authorization label is

entered into the central database of Central return facility to indicate that the

merchandise has been received {see Hauser col. 2, lines 27-31; and col. 6, lines 18-49};

Bloom discloses the record is splitting when the quantity of the physical

product/package is less than the quantity of product in the data records {see Bloom,

par. 0187, lines 43-79}.   Therefore, It would have been obvious to one of ordinary skill

in the art at the time of the invention to modify the created record of HAUSER ET AL by

splitting the record order into different record as taught by BLOOM so that the adjusted

quantity product in a new record would match with the actual physical quantity of

product that was received/or received quantity of product and also would be easy to

keep track of what item/product have been received {see Bloom, par. 0187, lines 43-

79}. For the reason as indicated above, the Office Action has provided a motivation to

one of ordinary skill in the art to modifying the teachings of the prior art to achieved the

claimed limitation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689
2/23/10